UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/8/Add.40
26 August 1999

ENGLISH
Original: SPANISH

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1993

Addendum

DOMINICAN REPUBLIC

[1 December 1998]

GE.99-43995 (E)

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Introduction

1. The present preliminary report is the Dominican Republic's first on its observance and implementation of the 1989 Convention on the Rights of the Child, which it ratified in 1991. As a result of its ratification, the nation undertakes to promote, safeguard and protect the rights of children and adolescents.

2. Pursuant to the Convention, in 1994 the Dominican Republic promulgated Act No. 14-94 establishing the Code for the Protection of Children and Adolescents. Through its 368 articles, this Code endeavours to adhere to the spirit of the overall doctrine of the Convention, creates a new institutional framework, and establishes a set of social policies coordinated by the State and civil society and aimed at the promotion, protection and defence of the rights of children and adolescents in our country. In this connection, the Dominican Republic is implementing a number of educational, social, administrative and legislative measures aimed at furtherance of the principles and provisions of the Convention. These measures form part of a set of policies, programmes and activities having a short-, medium- or long-term impact.

3. This report was prepared, inter alia, on the basis of plans, programmes, memoranda and actions by the various State Secretariats, international cooperation agencies, non-governmental organizations (NGOs) and churches, and with data from the population and health surveys of 1991 and 1996. The exhaustive nature of the information required by the Committee on the Rights of the Child made it necessary to give an overall response to many of the questions asked in order to avoid repetition. Similarly, many of the titles and subtitles were not included since the Committee is acquainted with the structure and content of the Convention.

4. As to the method of preparation of this report, it was sent to the agencies directly concerned with the protection system, such as the State Secretariat for Public Health and Social Welfare, the State Secretariat for Education and Culture, the Office of the Attorney-General of the Republic, the Supreme Court of Justice, the State Secretariat for Sport, Physical Education and Recreation, the State Secretariat for Labour and the National Drinking Water and Sanitation Institute so as to elicit the information which each institution is called upon to provide in accordance with the Committee's requirements. The Secretary of State for Foreign Affairs, together with the Executive Technical Department of the Governing Body (DTE-OR) of the System for the Protection of Children and Adolescents, compiled the relevant information and drafted the present report.

5. As regards dissemination of the report, several actions are planned:

(a) Report to be distributed to representatives of the State Secretariats and authorities, international agencies, churches, universities, scientific and technological institutions, federations and associations, trade unions, NGOs and institutions working with children, inter alia, for information and comment;

(b) Report to be launched at a ceremony at which national and international representatives will speak; invitations will be sent to radio and television stations and press organs, and to representatives of the above-mentioned institutions;

(c) Programmes and articles in the media to publicize the most important aspects of the report, covering progress made in the attainment of goals and outstanding challenges.

I. GENERAL MEASURES TAKEN TO IMPLEMENT THE CONVENTION

A. Strategic policies aimed at children and adolescents in national action plans

6. In 1992, the Dominican Republic formulated the National Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s. This Plan falls within the context of the activities and programmes of the National Commission to Monitor the Children's Summit Agreements, established by Decree No. 122-91 of 21 March 1991.

7. The National Commission developed a process of participation for the purposes of the formulation and approval of the Plan, involving 37 governmental agencies and 128 NGOs. The Plan was designed to achieve 27 major goals in the following areas: health and nutrition; education; juveniles in especially difficult circumstances; women; water and sanitation; social policy and information. The Plan comprises sectoral action plans which serve as a basis for achieving the goals of the various sectors. The general objectives of the five Sub-Commissions are outlined below:

(a) Sub-Commission on Health: reduce mortality in children under the age of 5 and maternal mortality; reduce morbidity related to vaccine-preventable diseases, diarrhoeal and respiratory infections, AIDS, malnutrition, low birthweight, and anaemia and mortality in pregnant women;

(b) Sub-Commission on Education: provide early education for children between the ages of one and 5 aimed at the acquisition of cognitive abilities and skills required for integral development; raise quality and expand national coverage so as to meet the needs of the population; eradicate illiteracy and enable adults to obtain productive work and engage in activities aimed at the improvement of society;

(c) Sub-Commission on Juveniles in Especially Difficult Circumstances (MCED): define a State policy leading to a new legal order with respect to juveniles; improve the situation of juveniles still living in especially difficult circumstances; reduce the number of children in each of the MCED categories; attack the underlying causes giving rise to the emergence of juveniles in each of the categories established in UNICEF studies;

(d) Sub-Commission on Women: improve the quality of life of women living below the poverty line; improve health services so that women reduce the risk of jeopardizing their health through performance of the functions of mother, housewife and breadwinner;

(e) Sub-Commission on Social Policy and Information: support execution of the National Plan of Action in order to implement the Summit agreements, formulating children-oriented social development policies in the areas of welfare, protection and participation; create mechanisms and areas for consultation which guarantee the effective participation of the beneficiaries of these policies through their organizations and representatives.

8. For the purposes of the attainment of the Plan's objectives, a strategy is being developed involving communities, groups, NGOs, religious organizations, city councils and provincial authorities in the execution and supervision of activities. Among the planned initiatives mention should be made of the Salcedo provincial plan, whose execution has been proceeding successfully and serves as a paradigm for the formulation of the North-Eastern Regional Plan covering five provinces.

9. In March 1995, the country was represented at the World Summit for Social Development in Copenhagen, as a result of which it has formulated and is currently executing the National Social Development Plan; Plan activities are supervised through the Follow-up and Monitoring Commission within the National Planning Office (ONAPLAN). This Plan is based on three main activities: eradication of poverty, creation of productive jobs and social integration. The rights and needs of children and women are considered to be a priority. Policies focus on population groups at risk, including children in especially difficult circumstances, and comprise activities aimed at the eradication of social and personal risks through protection programmes.

10. In order to strengthen programmes for children, the Inter-American Children's Institute, a specialized agency of the Organization of American States (OAS), established the information centre for the Inter-American Information Programme on Children and the Family (PIINFA). The centre is run by Casa Abierta (Open house), an NGO, and the Office for Follow-up of World Summits was selected as the information user centre.

11. On its database, this information centre, which is the first in the Caribbean area, has a total of 178 documents on children and the family published in the Dominican Republic since 1990; it has copies of a significant number of documents sent by focal points in other countries and has compiled a list of 85 Dominican institutions working with this population group. At the present time, 92 Dominican institutions are registered as users.

B. The Convention and Act No. 14-94

12. The Dominican Republic ratified the Convention on the Rights of the Child in 1991. Immediately afterwards it began the process of reviewing specific national legislation on children and adolescents in order to create a law in keeping with the spirit and letter of the Convention. This process ended with the formulation and approval of Act No. 14-94, establishing the Code for the Protection of Children and Adolescents, by the National Congress in March 1994. The Act entered into force on 1 January 1995 and in the same year the Executive issued Decree No. 59-95 establishing regulations for its enforcement.

13. The new legislation on children and adolescents constitutes far-reaching progress in relation to the earlier legal framework. The changes are reflected not only in the content of the law, but also in the procedure followed in its formulation and approval, both of which were characterized by the participation of broad sectors of society traditionally excluded from the legislative process.

14. The Code embodies provisions relating to new policies, standards and procedures for caring for children and adolescents with the aim of superseding the irregular-situation doctrine inherent in the previous legislation and institutional practice. A protection system has been set up in which State institutions and civil society are linked, and a set of care policies have been established aimed at the advancement, defence and protection of all Dominican children and adolescents.

15. The ratification of the Convention by the National Congress confers on it the force of national law, and so its provisions may be directly invoked before any judicial or administrative authority. In addition, article III of the Constitution of the Republic recognizes and respects the international conventions and treaties adopted by our country through the competent organs. In practice, the settlement of disputes in the courts and the adoption of administrative decisions and measures are based on the principles of the Convention on the Rights of the Child.

16. The Constitution contains provisions which are consistent with the rights of children recognized by the Convention. Nevertheless, in the light of a possible process of constitutional reform, the rights of children should be included in the agenda for discussion.

17. For the purposes of the enforcement and entry into force of Act No. 14-94 and the Convention throughout the country, the Code for the Protection of Children and Adolescents establishes the necessary legal-institutional framework, which is described below.

18. Article 173 of the Act stipulates that the policy of observance of the rights of children and adolescents shall be formulated through a series of governmental and non-governmental activities at the national, regional and provincial levels. In this respect, the Act establishes three authorities for coordination of the system of protection for children and adolescents in the Dominican Republic: the Governing Body, its provincial and regional offices, and the national and regional councils.

19. The Governing Body (OR) is the highest normative authority, supervising plans and programmes for the welfare of children. It is composed of: the Secretary of State for Public Health and Social Welfare (SESPAS), who presides over it; the Secretary of State for Education and Culture (SEEC); representatives of the Attorney-General's Office, the National Council for Children (CONANI) and the Technical Secretariat of the Office of the President (STP); and two representatives of NGOs elected every two years at NGO assemblies. The OR has an Executive Technical Department (DTE) as provided for in article 362 of Act No. 14-94 and in article 60 of Regulation No. 59-95 for the enforcement of the Act. This Department's role is to promote the rights of children, supervise the governmental and non-governmental

institutions with programmes focusing on children and adolescents, and promote the coordination of activities and definition of public policies.

20. In the area of justice, the Government has created the office of Commissioner for the Reform and Modernization of Justice, who has defined as one of his main activities support for all matters relating to special courts for children and adolescents, together with socio-educational measures, and training and instruction for professional, specialist and auxiliary personnel working in the judicial system for juveniles. The Commissioner, with the support of the United States Agency for International Development (USAID), the Judicial Training College and Pedro Henríquez Ureña National University, has initiated the Public Defence Programme whose objective is to provide defence for citizens who have problems with the law and who, because of their socio-economic situation, cannot afford the services of a lawyer. Of the 12 officially-appointed lawyers, 2 are assigned to the juvenile courts and also work on cases of unlawful imprisonment of minors.

C. Coordination of governmental agencies and implementation measures

21. Various public agencies (SESPAS, SEEC, STP, Attorney-General's Office, National District Prosecutor's Department) meet periodically to maintain a programme of action for children and adolescents. The DTE-OR is responsible for the management, coordination and supervision of all plans, programmes and activities undertaken by governmental and non-governmental institutions aimed at the protection of the rights of Dominican children and adolescents.

22. ONAPLAN, together with the Centre for Social and Demographic Studies, the Association for Family Welfare and Macro Internacional Inc., have, since 1986, been conducting the population and health surveys in which priority information is compiled on the situation of children, adolescents and women and is used to evaluate progress made with these population groups.

23. The DTE-OR, in conjunction with 18 public and civil-society institutions, has designed a strategy for the integrated care of maltreated children and adolescents. The measures taken in support of children and adolescents include:

(a) Expansion of the school breakfast service, 800,000 meals being supplied during the 1997-1998 school year and 1 million in 1998-1999;

(b) Registration of pupils under school age, provisional admittance to school of boys and girls with no birth certificate;

(c) Declaration of births of children in communities in the National District, implementation of a national plan for the late declaration of births of children and adolescents;

(d) Signature of agreements between the Central Electoral Board and SESPAS for the setting-up of civil registry offices in 18 hospitals for the purpose of the declaration of births, and between the Board and the Dominican Social Security Institute (IDSS) for similar offices in IDSS facilities;

(e) Signature of a letter of intent with the International Labour Organization (ILO) for the eradication of child labour and the regulation of adolescent labour.

24. Through international cooperation, substantial resources are made available for programmes in the areas of health, education, women and social mobilization for the promotion and protection of the rights of children and adolescents in our country. The cooperating international institutions include: UNICEF, Pan-American Health Organization (PAHO), World Food Programme, United Nations Development Programme (UNDP), Plan International, World Vision International, European Union, USAID and other organizations such as the Inter-American Development Bank and the World Bank, which have granted soft loans for the development of projects in the areas of education, health and justice.

25. There has also been a significant increase in government funding for the social sector, especially over the past two years. This is illustrated by the following data. During this period there have been increases in expenditure on education, health, sport and social welfare. The portion of the budget allocated to these sectors was approximately 27.45 per cent in 1996 and 28.29 per cent in 1997. In 1995, these sectors had accounted for about 25.32 per cent of the total budget, and by 1998 the figure had risen to 32 per cent.

26. As to the implementation of article 42 of the Convention, our country has publicized the content of the Convention by various means: posters, announcements, stickers, specialized television programmes and spots, hoardings and murals, T-shirts, radio announcements, workshops and lectures by top-level specialists in children from the Latin American region for professionals, specialists and the general public. Special reference should be made to the "preventive notices" campaign initiated by the DTE-OR in conjunction with governmental and non-governmental organizations, by means of which notices are displayed in premises which are off-limits to juveniles under the age of 18 and where the sale of products and services to such juveniles is not allowed. In conjunction with the campaign, workshops are held at the national level for members of community institutions in order to supervise compliance with these measures (display of notices and non-admittance of juveniles). In this connection, the international cooperation agencies, and especially UNICEF, have played a fundamental part.

27. Since 1994, periodic workshops have been held on the Convention and Act No. 14-94. They have been attended by journalists, communications specialists, educators, lawyers, judges, prosecutors, doctors, social workers, community officials, representatives of churches and NGOs, and National Police officers, among others.

28. At the national level, a Social Mobilization Programme for the Rights of the Child has been undertaken on the initiative of the Dominican Centre for Community Interest Organizations and with the support of UNICEF. Some 140 NGOs, half of which are active in rural areas, have participated in this Programme.

29. Children and adolescents regularly participate in programmes for the promotion and protection of their rights. At present, under UNICEF auspices, various public and private institutions and the Catholic Church are developing the social mobilization project for the rights of the child, under the theme "It is for children to say what kind of country we want". Through the words of children and adolescents, the project endeavours to focus attention on outstanding joint assets and proposals and customs which have been falling into abeyance. Under this programme boys and girls personally broadcast messages about their rights. The results of the national referendum were recently announced; the referendum enabled 1.9 million children and adolescents to express their views on matters of vital importance for the furtherance of democracy.

30. Private companies such as Bennetton have organized children's painting competitions on the theme of rights. In addition, they participate in camps and walks organized by institutions which develop programmes for the benefit of children and adolescents. An important event celebrated annually in our country since the ratification of the Convention is the Rights of Children and Adolescents Week. The twenty-ninth of September is a very special day of activities and has been proclaimed National Day for the Rights of the Child.

II. DEFINITION OF THE CHILD

31. Act No. 14-94 was drafted in accordance with the doctrine and provisions of the Convention, its wording being adjusted and tailored to the actual situation in the Dominican Republic.

32. Dominican law defines children as persons up to the age of 12 and adolescents as persons aged between 13 and 18.

33. The employment situation of children and adolescents is regulated by the Labour Code, which assigns to the Secretary of State for Labour (SET) the authority to deal with exceptional cases in which work before the age of 16 is justified by need for training or precocious talent.

34. All young persons who have reached the age of 18 may marry without the consent of their parents or guardians. Provided they have such consent, young women may marry from the age of 15 and young men from the age of 16. There is so far no legislation on the age of sexual consent.

35. Persons may voluntarily enlist in the armed forces as from the age of 18. Recruitment is not compulsory and there is no compulsory military service. Act No. 14-94 stipulates that in the event of war, priority protection shall be given to children and adolescents.

36. Boys and girls under the age of 12 cannot incur criminal responsibility. On the question of deprivation of liberty, Act No. 14-94 incorporated some of the Convention procedures, but there are no public and adversarial judicial proceedings for cases in which adolescents have broken the law.

37. The Constitution prohibits the death penalty and life imprisonment.

38. Complaints and claims for compensation may be lodged with a court or other competent authority without the consent of the parents. In cases where a juvenile is in imminent danger from his/her parents or where the parents do not initiate proceedings, public order is the primary consideration over and above the specific will of the parents.

39. As to intervention in administrative or judicial proceedings affecting children, national legislation incorporates certain aspects of the Convention such as the possibility for adolescents to express their opinion before the judge in proceedings such as adoption or proceedings involving the separation of children from their parents. Act No. 14-94 stipulates that any adopted child has the right to know his/her origin and the character of his/her family relationship.

40. No child or adolescent may change his/her identity or modify his/her family links.

41. In accordance with Act No. 14-94, children and adolescents have the right to inherit without distinction as to sex; in order to be able to join associations, they must have come of age, unless they are emancipated.

42. Every child and adolescent has the right to freely choose a religion. The Catholic religion has official sanction, and in schools the discipline of religion and worship is taught.

43. Juveniles under the age of 18 are not allowed to consume, purchase or sell alcoholic beverages, tobacco, cigarettes or substances which induce physical or psychological dependence.

44. Education is a right for all children between the ages of 7 and 14, and the minimum age of employment is 14, although in our country a considerable number of children aged between 7 and 14 perform some kind of work.

45. The minimum age of marriage differs for women and men: the former may marry at the age of 15 and the latter at 16. Puberty is not deemed to be a criterion in criminal law and does not give rise to any differentiation between males and females.

III. GENERAL PRINCIPLES

46. The Constitution and Act No. 14-94 prohibit discrimination against any Dominican, although ethnocentric habits, customs and patterns of behaviour and prejudice on grounds of sex, race, ethnic group and economic and social status and against disabled persons continue to exist.

47. Through the STP, the Government has designed social-development and anti-poverty plans and programmes as part of a strategy to eliminate and reduce regional disparities. International cooperation through agencies belonging to the United Nations system and the European Union, and various internationally-funded NGOs, also provides resources for programmes in the most depressed areas. The programmes include the Regional Comprehensive Health Programme, the Puerto Plata Provincial Development Programme and the Anti-Poverty Programme in the south-west of the country.

48. Measures to eliminate discrimination against children and adolescents include Act No. 14-94, which is the country's first piece of legislation that explicitly establishes the principle of gender equality and non-discrimination, and provides for the revision of primary and secondary school textbooks, media campaigns against violence and discrimination on grounds of sex, and the adoption of Act No. 24-97, which has introduced amendments to the Penal Code, the Code of Criminal Procedure and the Code for the Protection of Children and Adolescents.

49. With regard to measures to eliminate prejudice against children of other than Dominican ethnic origin, and also racism and xenophobia, the State through society and the Government is conducting research on strategies to change perceptions of Haitian nationals in one sector of Dominican society. Particular attention is being paid to children and adolescents who were born in the Dominican Republic, do not have birth certificates and live mainly in socio-population sectors outside the political-administrative boundaries of the Nation-State, under the responsibility of the sugar cane companies which hire Haitian labour. The most chronic shortcomings and deficiencies of basic social policies, particularly with regard to nutrition, housing, health, sanitation and education, are to be found in these sectors.

A. The best interests of the child

50. Act No. 14-94 provides for the establishment of 17 specialized courts, 9 courts of appeal and juvenile court defence lawyers in every municipality in the country. So far, six such defence lawyers (Public Prosecutor's Office) have been appointed and, after submitting the selection of members of the specialized courts to public competitive examination, the Supreme Court of Justice has sworn in the juvenile court judges, both in the National District and in 15 provincial capitals, as provided for in article 257 of Act No. 14-94. In cooperation with the Commissioner for the Reform and Modernization of Justice and the Judicial Training College, the new judges and defence lawyers have received specialized training in all matters relating to the treatment of young offenders. Despite the progress made, there is still the task of ensuring that all members of the judiciary become more familiar with the full protection doctrine and Act No. 14-94, and eliminating the common practice of interpreting this Act from the viewpoint of the irregular situation doctrine.

51. Article 175 of Act No. 14-94 provides for the maintenance of national, regional and provincial funds to be administered by the Governing Body (OR) and its regional and provincial offices. So far, the funds provided for in the Act have not been established, but the Government has earmarked resources, through the Administrative Secretariat of the Office of the President and the SESPAS, the (DTE-OR), NGOs and churches which have programmes for the promotion and protection of the rights of children and adolescents in various parts of the country.

52. Policies for the development of children and adolescents form part of the National Social Development Plan and the National Plan of Action to achieve the objectives of the World Summit for Children.

53. With regard to adoption, Act No. 14-94 establishes new procedures based on the provisions and principles of the Convention. The BTE-OR ensures that proceedings take place in accordance with the law, requiring a 60-day period for international adoption during which the adopters and the adoptee live together, as well as a certificate of physical, moral, social and psychological suitability, a commitment to follow-up, the publication of the adoption order, etc. A psycho-social and medical assessment of the adopters, inter alia, is required for national and international adoptions.

54. Article 10 of Act No. 14-94 provides that every child and adolescent has the right to form his own views, to express himself freely, to hold a belief and to practise a religion.

55. Although the provisions of the Convention have not been specifically included in the curricula of primary, secondary and university education, the philosophical principles and broad outlines of the curricula of the first two levels at least reflect the spirit of the Convention. In addition, training courses and workshops on the rights of the child and the Convention have been held for some of the country's teachers, and material with information on the subject has been distributed. Such training is planned for all teachers, in accordance with an agreement concluded with UNICEF.

56. As to higher education, the National Higher Education Council has concluded an agreement with UNICEF and the Inter-American Children's Institute to begin implementing the "Regional/National Training Programme on Rights of the Child and Social Policies for Children and Adolescents in Latin America and the Caribbean". The objective is to introduce a course so that professionals in certain areas may acquire in-depth knowledge of the Convention on the Rights of the Child and other topics relating to the problems of children and adolescents.

57. Act No. 14-94 expressly prohibits the use of torture and degrading treatment against any child or adolescent. Where there is evidence of abuses by the staff of an institution which cares for children and adolescents, the competent authorities have taken the necessary remedial action. This is the case with the Juvenile Evaluation and Referral Centre, whose director was dismissed when he was proved to have been negligent in cases of ill-treatment of adolescents by the National Police.

58. There are three types of families: nuclear, extended and complex. In 1991, nuclear families accounted for 52.5 per cent, extended families 34.0 per cent and complex families 5.4 per cent. In 29 per cent of single-parent families, the mother is the head of household. Various non-governmental and private programmes provide support and guidance activities for families who request such services, although coverage is limited to cases which can be paid for by users.

59. Article 15 of Act No. 14-94 provides for shared responsibility as far as parental authority is concerned. According to the Dominican Constitution, the State must create the conditions to enable the family to play its role in bringing up the children.

60. Act No. 14-94 states that custody of a child or adolescent is granted to the parent who offers the best conditions for his training, emotional stability, love and protection. Article 17 stipulates that a lack or shortage of financial resources does not constitute sufficient grounds for depriving a parent of authority over minor children. Dominican legislation is in keeping with article 9 of the Convention.

61. The Civil Code and supplementary laws allow the parents to determine what type of relationship they will have with the child following separation. In the absence of agreement, the court determines how meetings and contacts between parents and children are to take place and how often.

B. Family reunification

62. Dominican legislation prohibits children and adolescents from entering or leaving the country without proper written authorization from their parents or guardians. In the event of differences of opinion between the parents, the competent judicial authority will deal with the situation in a positive and humane way.

63. Dominican legislation is based on the Convention in that it ensures respect for the right of a child who is separated from one or both parents to be able to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

64. Dominican legislation provides for respect for the right of children and adolescents to enter and leave the country without distinction or discrimination of any kind, subject to the regulations of their country of origin and the country they wish to enter.

C. Illicit transfer and non-return

65. As a preventive measure, any child or adolescent who wishes to leave the country must have his parents' authorization or a power of attorney if he is with a private individual. Responsibility for monitoring and supervising this measure lies with the Directorate-General for Migration. So far, our country has not concluded bilateral agreements with other countries to prevent illicit transfers.

D. Recovery of maintenance for the child

66. There are legislative provisions and mechanisms for the recovery of maintenance both within the country and abroad. There are also various campaigns to assist parents in meeting their responsibilities in this regard. The non-recognition of a minor child does not invalidate the maintenance requirement or the payment of maintenance.

E. Children deprived of a family environment

67. The country has a number of public and private agencies and churches which provide shelter and protection for children and adolescents deprived of a family environment.

F. Adoption

68. Act No. 14-94 reproduces the provisions of the Convention, and recognizes and allows the system of adoption, taking account of the best interests of the child. The competent judicial authorities take part in the adoption process, and the DTE-OR acts as the administrative and supervisory body. The process includes in-depth social and psychological investigations of the adopters and the biological parents; in the case of children of unknown parents, the State conducts rigorous investigations involving the National Police and the supervisory department of the SESPAS. Act No. 14-94 requires adoptive parents to inform adopted children and adolescents of their biological origin.

69. Children and adolescents adopted by foreign parents have the same rights as the parents' biological children, and enjoy safeguards in the receiving State on the same basis as nationals.

70. The country has not yet ratified the Hague Convention.

G. Periodic review of placement

71. Act No. 14-94 establishes rules and conditions for placement centres and temporary shelters. Studies have been carried out of physical conditions, technical and support staff, and the needs and objectives of such institutions in order to promote a process of openness and reform. As a result, some of these institutions have been brought up to standard. The DTE-OR has budget resources for another study to broaden and continue the previous studies.

72. According to United Nations estimates, 10 per cent of the population suffer from some kind of disability. The country's estimate is between 12 and 15 per cent. Many school-age children have learning problems as a result of malnutrition (which causes disability) and most of them receive no kind of assistance. In 1996-1997, criminal offences were committed by 2,400 minors about 80 per cent of whom were boys aged between 12 and 17. Between 35 and 50 children a year are abandoned in medical establishments and other places; they are cared for by the Social Welfare Department of the SESPAS in homes set up for this purpose.

H. Abuse and neglect; physical and psychological recovery and social reintegration

73. Act No. 14-94 prohibits any kind of abuse and ill-treatment (physical, psychological, mental and sexual, including neglect) and provides for the corresponding penalties. At present, the country is preparing a national strategy to prevent child abuse; it includes media campaigns, and support and guidance programmes for families, victims and perpetrators. In Presidential Decree No. 98-98, the Executive declared April child abuse prevention month and instructed all public agencies to coordinate and carry out activities with private-sector prevention organizations. The Public Prosecutor's Department deals with complaints of ill-treatment of children and adolescents filed in various institutions.

74. Recovery programmes for this population group include the establishment of the National Inter-Agency Commission for Prevention and the Care of Child and Adolescent Victims of Sexual and Commercial Exploitation in Tourist Centres, and the Programme for Prevention and the Comprehensive Care of Child Victims of Abuse and Neglect, which is based on a national strategy involving governmental and non-governmental organizations.

IV. BASIC HEALTH AND WELFARE

A. Disabled children

75. A large number of children and adolescents suffer from some kind of disability. The highest rate of blindness due to vitamin A deficiency and other factors is to be found in the south-west, the poorest part of the country. The Health and Rehabilitation Department and the National Council for Prevention and the Rehabilitation, Education and Social Integration of Disabled Persons have been set up with a view to the social and community integration of this population group, and an inter-agency agreement has been concluded by the SESPAS, the SEEC, the armed forces, the State Secretariat for Tourism (SECTUR), the State Secretariat for Public Works and Telecommunications, and 19 other agencies. Act No. 14-94 also set up within the Governing Body a department for the protection of disabled children and adolescents. This department is responsible for proposing projects for the prevention and detection of disability, and the advancement, treatment, rehabilitation and study of disabled children.

B. Health and health services

76. Through the SESPAS, IDSS, the Armed Forces and National Police Institute and other agencies, the State is providing health services for the entire population. Primary health-care and immunization programmes and integrated health campaigns focus specifically on children and adolescents.

77. According to the 1996 population and health survey infant mortality remained at over 40 per thousand live births. The risk of dying during the first year of life was 47 per thousand for the five-year period 1991-1996. The neonatal component, i.e. the first month of life, accounted for 57 per cent of this risk. However, the risk of death for children aged under 5 for the reference period was 57 per thousand live births. Infant mortality figures did not take account of differences in under-fives attributable to geographical characteristics, mothers' education, prenatal care and care during childbirth. The mortality of under-fives in rural areas was 28 per cent higher than for urban areas. In the geographical context, the south-west (health regions IV and VI) showed the highest levels of under-five and infant mortality, while region I (Peravia, San Cristóbal) was in a more favourable position.

78. The measures the country is adopting to reduce infant mortality include the "National Mobilization Programme to Reduc Infant and Maternal Mortality 1997-2000", which involves activities designed to improve the education system, health services, basic sanitation, drinking water supply and primary education for women.

79. The variables resulting in the drop in infant mortality include the decline in the overall fertility rate, which went from 6.7 children per woman in 1965-1970 to 3.8 children per woman in 1985-1990, the reduction in deaths from acute diarrhoeal diseases through the use of oral rehydration therapies and the drop in vaccine-preventable diseases. There are, however, still inequalities in infant mortality indicators, which are higher in the poorest part of the country (south-west) and in rural areas. In the south-west, infant mortality stands at 1.29 per cent and is 1.18 per cent higher than in the Cibao and south-east regions.

80. With regard to access to health services, the 1996 survey showed that 46 per cent of the total population seeking health care outside the home received treatment in a health centre.

81. The available data indicate that RD$ 696 million were spent on mother and child programmes, nutrition and services for mothers and children in 1993.

82. As to vaccination coverage of the infant population, the 1996 survey showed that 39 per cent of children aged between 12 and 23 months had received all vaccines at some time in their life, while 31 per cent had been immunized fully before reaching their first birthday. Eighty-eight per cent of children in this age group had received the BCG vaccine before their first birthday and there was a similar rate of coverage for the first dose of DPT and polio vaccine. Seen in terms of BCG coverage and the first doses of DPT and polio vaccine, the immunization rate may be regarded as high. The proportion of children aged between 12 and 23 months covered by these vaccines was 90 per cent in the case of the first, 93 per cent in the case of the second and 92 per cent in the case of the third. In order to ensure a universal immunization system, the SESPAS is working, with the support of NGOs and international cooperation agencies, to implement the Expanded Programme on Immunization at the national level. At present, the SESPAS is trying to establish fixed vaccination posts in health centres around the country.

83. On the question of malnutrition, the 1996 survey indicated that 11 per cent of children aged under five years were suffering from chronic malnutrition, which was regarded as "severe" in 3 per cent of cases and had retarded growth (in terms of height for age). Slightly more than 1 per cent suffered from severe malnutrition or emaciation and 6 per cent from global overall malnutrition. Slightly more than one in six children (15 per cent) in rural areas suffered from chronic malnutrition, as compared with fewer than 1 in 10 in urban areas (7 per cent). The prevalence of chronic malnutrition was higher in the south-west than in the rest of the country.

84. In the case of infant morbidity, the first five causes of death in this age group accounted for 66.4 per cent of all deaths of children aged under one year. The main cause was intestinal infection, with 28.6 per cent of diagnosed deaths. Perinatal respiratory problems came second, while nutritional deficiencies and anaemia were in third place, with 9.5 per cent. Slow foetal growth, intrauterine malnutrition and foetus immaturity occupied fourth place with 9.2 per cent, and acute respiratory illnesses accounted for 7.3 per cent.

85. With regard to prenatal and post-natal care of pregnant women, the 1996 survey indicated that nearly all women who had had children in the previous five years received prenatal medical care and 9 out of 10 received medical care during childbirth. Ninety-five per cent of women had their children in medical establishments and 4 per cent had them at home, particularly in rural areas.

86. Studies carried out in late 1992 on knowledge, attitudes and practices in relation to acute diarrhoeal diseases and safe motherhood showed that there were significant shortcomings in the public's knowledge, and ability to handle information, relating to the promotion of health. In some cases, mothers knew about a disease and its treatment, but did not use proper methods. For example, 94 per cent of mothers knew about oral rehydration packages to treat diarrhoea, but only 35 per cent used them to treat their children. In cooperation with NGOs and international cooperation agencies, the SESPAS conducts periodic disease prevention campaigns and information campaigns on the treatment of diseases with the greatest impact on health.

87. Breastfeeding is a widespread practice in our country. Health officials and social workers give breastfeeding mothers information on the importance of mothers' milk for the health of children, advising them to use it as the only food during the first six months of life. UNICEF and the SESPAS are making joint efforts to have hospitals designated as "mother and child-friendly", and are advocating breastfeeding and other ways of promoting mother and child health. This programme and other initiatives exist in eight certified hospitals and have led to an increase (from 5 to 28 per cent) in the use of exclusive breastfeeding during the first four months.

88. According to the 1996 survey, nearly all Dominican women, regardless of whether or not they were married or had had sexual experience, knew or had heard about birth control methods. However, many were unable to explain precisely the method about which they were questioned. For example, 99 per cent of married women said that they knew about the pill, but only 77 per cent could state exactly what the method involved. Only 43 per cent of women without sexual experience could describe the method correctly.

89. With regard to the incidence of HIV/AIDS, the State Secretariat's PROCETS programme recorded 2,356 cases in 1994, with a predominance of heterosexual transmission and an increase in perinatal cases transmitted vertically. According to the 1996 survey, 33 per cent of the women interviewed had had a vaginal or sexually-transmitted disease (STD) during the 12 months prior to the survey; 93 per cent had sought medical advice or treatment and 82 per cent had taken no precautions. Among the measures taken, 72 per cent had informed their partner, 42 per cent had avoided sexual relations, 1 per cent had used condoms and 46 per cent had taken medication. With regard to means of prevention, 4 per cent said that nothing could be done, and 8 per cent said that they did not know what to do in order to prevent AIDS. PROCETS is carrying out preventive activities at the national level, and also media prevention campaigns. In the education sector, a communication, information and education programme exists to provide sex education for students and prevent STDs, including AIDS. The Mary Loly Home cares for and treats children infected with AIDS by their parents in order to halt the disease during the first 24 months of life.

C. Social security and child-care services

90. In the Dominican Republic there are different forms of care for boys and girls, and integrated care for children whose parents are unable to look after them either because they cannot afford to or for reasons of health or work. In 1994, there was a total of seven care centres run by the Social Welfare Department. The IDSS has child-care centres for workers' children in several towns and cities. Mention should also be made of the setting-up of care centres in the free zones in Santiago, Sector Cienfuegos and shortly in San Pedro de Macoris.

V. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

91. Since 1990, the country has been engaged in a process of educational reform. Following consultation between the various sectors of society and with the participation of over 30,000 people, the principal strategies were designed in what has been termed the Ten-Year Education Plan. This Plan includes a revision of the curriculum, training and instruction for teachers, new textbooks for all students and the establishment of an evaluation system.

92. The Education Act (No. 66-97) was promulgated on 15 April 1997 and guarantees the right to education for all inhabitants of the country. Under the Act, the education system comprises four levels: pre-school, primary, secondary and higher. The pre-school level is intended for children up to the age of six, the last grade at this level beginning at age five. In State schools education is free. In addition, the State will endeavour to promote and expand community initiatives and set up nursery schools for the various grades of pre-school education. Primary education is of eight years' duration, begins at the age of six, and is compulsory and free of charge. Secondary education is of four years' duration and is divided into three streams - the general, technical and arts streams - which enable students to proceed to employment and/or higher studies.

93. In 1994 education received an allocation of RD$ 2,526.5 million, representing 12 per cent of the State budget and the second highest allocation within the social sector. In the first three months of 1995, the SEEC had budgeted for a total of RD$ 3,200 million and disbursed RD$ 1,105.7 million. In 1996, the allocation was RD$ 3,771,733,805 out of a total budget of RD$ 28 billion. As to family expenditure on education, by the end of the 1980s the increase in this expenditure was greater in needy families than in those with higher incomes. The poorest 40 per cent of the population increased their ordinary expenditure on education by about 430 per cent while the equivalent figure for the richest 5 per cent was approximately 125 per cent.

94. In the academic year 1996-1997, according to data provided by the SEEC, 91 per cent of children between the ages of 7 and 14 were enrolled in primary schools. About 69 per cent of children over the age of 5 and 8 per cent of children aged 3 to 5 were enrolled in State establishments. In order to deal with this problem, the SEEC, together with UNICEF and with the participation of various NGOs, has drawn up a number of "strategies for

education and child development" so that, in accordance with these approaches and alternatives, families, community groups and NGOs can organize activities for the child population through non-formal education.

95. Under the Ten-Year Education Plan (1992-2002), almost all teachers without a diploma have received ordinary training and refresher training. In general, there has been a substantial improvement in teacher training. The Government is making efforts to expand, refurbish and equip schools at the national level, even though in rural and marginal urban areas many schools are in a serious state of disrepair. The illiteracy rate for the population over the age of 18 was about 25 per cent in 1994. The 1996 survey showed a rate of approximately 17 per cent. With the support of the Spanish cooperation agency, a literacy programme including technical training has been developed, and in February 1998 the SEEC launched the "Literacy Now" programme, which involves several public and private organizations in a variety of literacy training schemes for adults. Since 1987, the SEEC has been undertaking non-formal education programmes in marginal urban districts and in the south-west and north-west regions of the country.

96. The Ten-Year Education Plan has seen the free distribution of updated textbooks to all students in State establishments. During the recent school year 1997-1998 a total of 1 million textbooks were printed.

97. Again with UNICEF support, the SEEC is executing a reinforcement programme for the first two grades of primary education, which is precisely where the highest rates of repetition and drop-out are recorded, together with a programme for multi-grade schools in scattered rural communities.

98. As to the possible exclusion of pupils for a specific reason, various reports state that when a teenage girl is pregnant, the school authorities no longer allow her to attend classes.

99. Act No. 94 and the Education Act expressly prohibit physical punishment as a disciplinary measure. Recently, school police units have been set up to protect pupils in schools situated in dangerous areas.

100. The cooperation agencies in the United Nations system, together with the Spanish cooperation agency, the Inter-American Development Bank, the World Bank and other agencies, provide funds for various Dominican education programmes.

101. As to cultural identity and gender values, the Ten-Year Education Plan included the review of school textbooks with the aim of eliminating sexist language, sexism and other forms of discrimination on grounds of gender or social origin.

102. For the purposes of pupils' physical education and recreation, the Education Act established a Directorate-General for Physical Education and Recreation. There is also a Culture Department responsible for the participation of schoolchildren in national festivities and other cultural events providing children with leisure activities and healthy recreation.

VI. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

103. In the Dominican Republic, no children or adolescents have refugee status or have been affected by armed conflicts.

B. Children in conflict with the law

104. Act No. 14-94 establishes principles and procedures with the aim of protecting the right of children and adolescents in conflict with the law to be treated with due respect for their dignity and honour. Article 232 of the Act provides that a child or adolescent may be deprived of liberty only when he is caught in flagrante delicto or on the basis of a written warrant from a judicial authority. This article reflects article 8, paragraph 2 B, of the Constitution. The minimum age for deprivation of liberty is 13 years.

105. Article 233 of Act No. 14-94 stipulates that if a juvenile is arrested by the police or another competent authority, he must be taken immediately and directly to a children's or adolescents' defence lawyer, irrespective of the time of and reasons for his arrest, so that he may be placed at the disposal of the corresponding juvenile court. At the present time, when a juvenile is arrested in the city of Santo Domingo, he is taken to the Specialized Police Department, where he is dealt with by a defence lawyer registered with the Public Prosecutor's Department.

106. Act No. 14-94 also provides for a number of alternatives to detention or deprivation of liberty, in conformity with the Convention. In San Cristóbal, the Juvenile Preparatory Institute, under the aegis of the Catholic order of the Amigonians and on the basis of a semi-liberty regime, deals with adolescents in conflict with the law, who receive formal, technical, vocational and arts education. At the present time, however, the only socio-educational measure applied is deprivation of liberty.

107. As regards the training of judicial officials, defence counsel, prosecutors, lawyers and rehabilitation centre personnel, in our country courses, seminars, workshops and lectures have been organized under the auspices of UNICEF and the DTE/OR; they have been given by international experts and other qualified persons specializing in the new law relating to children and adolescents.

108. The difficulties involved in the implementation of article 40 of the Convention are: the pending implementation of alternatives to deprivation of liberty, the non-establishment of vocational training and education centres, the low level of training of technical and support staff, and the insufficient involvement of civil society in questions relating to the socio-educational processes under way.

109. For 1996, National Police data show a total of 1,479 young offenders, of whom 1,289 were male and 190 female. The principal offences committed by males and females were: theft, 773 and 75 respectively; causing an affray, 143 and 70; drug-related offences, 79 and 5; conspiracy, 34 and 5; assault, 63 and 5. Of the males, 35 were charged with rape and 35 with robbery,

while 8 females were charged with practising prostitution. In 1997, 1,485 young offenders were arrested - 1,281 males and 204 females. The principal offences committed by males and females were: theft, 776 and 58 respectively; causing an affray, 133 and 99; drug-related offences, 70 and 2; assault, 48 and 9; destruction of private property, 110 and 5; conspiracy, 20 and 3; rape or indecent assault, 20 and 2. Among the males, 7 were charged with illegal possession of weapons. The National Police information does not provide a breakdown by region, zone or ethnic group.

110. At present, the country does not have the necessary infrastructure to enable young offenders to be detained in different premises from those for adult prisoners. In fact, there are only two detention centres for juveniles from all regions of the country. The city of Santo Domingo, which has a population of over 2 million and where the greatest number of cases involving serious and habitual offenders are recorded, does not have a training centre. Under Dominican laws, relatives are allowed and encouraged to maintain contacts with juveniles held in a detention centre.

111. Act No. 14-94 provides for the periodic review of measures ordered by a judge. The courts hearing cases involving children or adolescents do not have teams of experts as provided for in article 262 of this Act.

112. The same Act provides that a child or adolescent who is alleged to have broken the law must be brought before a competent judicial authority within 24 hours. However, article 300 provides that, in the case of a juvenile with serious behavioural problems, the court shall order him to be held in an observation and diagnostic centre for study of his personality, family and social background, the nature of his conduct and significant events in his life.

113. In the Dominican Republic, capital punishment and life imprisonment are prohibited for all citizens, including juveniles.

C. Children in situations of exploitation: physical and psychological recovery

1. The economic exploitation of children, including child labour

114. Our labour legislation prohibits the employment of children under the age of 14. A decision (9-93) of 1993 by the Secretary of State for Labour (SET) prohibits juveniles under the age of 16 from being employed on night work (from 6 p.m. to 6 a.m.). In addition, SET decision No. 29-93 permits only light work, such as fruit-picking, which entails no type of risk or danger to juveniles. Decision No. 31-93 grants special work permits for juveniles only in exceptional cases and if the need for their vocational training or precocious talent justifies such work.

115. In order to combat and eradicate child labour, in 1997 the SET and ILO prepared a plan of action for the follow-up of measures to eradicate child labour in the Dominican Republic. The plan provides for the coordination of governmental, non-governmental, trade-union and employers' organizations.

2. Drug abuse

116. Article 172 of Act No. 14-94 provides that the State shall, on a continuing basis and through the competent agencies, organize preventive campaigns aimed at raising family and community awareness of the harmful effects of the use of dependence-inducing substances, especially in young people. Various governmental institutions, such as the National Drugs Council and the programme for the prevention of the improper use of drugs, are developing programmes and activities for the prevention of the use of these substances aimed at adolescents and schoolchildren at the national level.

117. In addition, Hogar Crea Inc. and Casa Abierta, among other private and church institutions, are running prevention and care programmes for persons dependent on controlled psycho-active substances, although there is as yet no prevention and care programme of this type focusing on juveniles.

3. Sexual exploitation and sexual abuse

118. Act No. 14-94 prohibits any type of abuse, ill-treatment or neglect of children and adolescents. At the present time, various reports indicate that the physical, psychological and sexual abuse of children, adolescents and women constitutes a serious public health problem. According to a study by UNICEF and ONAPLAN, in 1992 an estimated total of 25,455 boys and girls were victims of sexual and commercial exploitation. The authors of the report called this phenomenon "neo-prostitution" because it occurs on a peripatetic basis, primarily in the 12 to 17 age range. According to the report, 64 per cent of offenders were girls and 36 per cent boys.

119. Sexual and commercial exploitation in tourist resorts is causing particular concern. Although tourism is the most dynamic sector of the country's economy, its impact is influenced by economic and social factors which affect the welfare and standard of living of the local inhabitants in these resorts. Because of the existing levels of poverty and unemployment and shortcomings in basic social services - education, health, nutrition, environmental sanitation, sports and recreation - a segment of the population finds itself with the need to generate resources through survival strategies, of which prostitution is one of the most common and in which adults, children and adolescents are involved. It is in this context that minority groups, outside the public institutions and the law, promote so-called "sex tourism", through which particular tourist areas are associated with adult and child prostitution and cause concern both within the local community and among national and international authorities.

120. Among the measures taken in this connection is the establishment of the National Inter-Agency Commission for the Prevention and Eradication of Child Prostitution in Tourist Centres, which includes representatives of the DTE-OR, SECTUR, SESPAS, IDSS, SEEC, the Attorney-General's Office, the PROCETS programme, the armed forces training colleges, the State Sugar Council, the Boca Chica Development Commission, the Boca Chica Morality Commission, the CONANI, the National Handicrafts Centre, the Technical Training Institute, the SET, the Drug Abuse Prevention Programme, the State Secretariat for Sports, Physical Education and Recreation, the Directorate-General for the Advancement of Women, the Directorate-General for the Advancement of Young People, and the

magistrates' courts. This Commission has formulated a Strategy for Prevention and the Care of Child and Adolescent Victims of Prostitution in Tourist Centres. In addition, a subcommission has been established composed of representatives of the National Police, the National District Prosecutor's Office, the National Department of Migration and other institutions responsible for monitoring, controlling and eradicating illegal activities.

121. On 29 September 1997, the National Inter-Agency Commission held a seminar-workshop in Boca Chica, one of the country's major tourist resorts, at which the principal programmes and activities to be executed in the various communities were defined. The DTE-OR, for its part, has organized four workshops in schools and community centres in Boca Chica on the display of warning notices in establishments where the admission of juveniles under the age of 18 is forbidden and where, under Act No. 14-94, products and services may not be sold to such juveniles. One of the notices comprises a warning in five languages concerning penalties for abuse of children and adolescents.

122. In Boca Chica, an NGO known as Niños Caminantes undertakes activities intended to prevent the commercial and sexual exploitation of boys and girls in high risk situations, and endeavours to induce boys and girls working in the beach area to return to school and/or vocational training.

123. In the area of international cooperation, UNICEF supports activities for prevention of the sexual and commercial exploitation of children and adolescents.